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UNCLAS SECTION 01 OF 03 GABORONE 000623

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SUBJECT: INFIGHTING, LACK OF CAPACITY HOBBLER BOTSWANA LABOR  
MOVEMENT

REF: (A) 05 GABORONE 1605 (B) 04 GABORONE 1607

11. Summary: The majority of trade unions represented at May Day celebrations in Gaborone have dismissed their umbrella body, the Botswana Federation of Trade Unions (BFTU), as worthless. Unionists accused the government and employers of destabilizing their organizations by instigating factional infighting. Government officials responded, warning unions not to become involved in politics. Meanwhile, public workers' associations are slowly taking advantage of new labor laws allowing them to register as trade unions. Despite recent labor law reforms, Botswana's labor movement remains a weak advocate for workers' rights. End Summary.

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BOTSWANA FEDERATION OF TRADE UNIONS IN TROUBLE  
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12. Botswana's largest trade union, the National Amalgamated Local and Central Government and Parastatal Manual Workers Union hosted May Day celebrations in Gaborone attended by roughly 500 workers. Dissatisfaction with the Botswana Federation of Trade Unions (BFTU) emerged as a key theme during the day's deliberations. Representatives from various unions and workers' associations proclaimed the BFTU "hopeless" and "as good as dead". Pelotshweu Baeng, President of the Botswana Unified Local Government Service Association (BULGASA), complained that the BFTU had failed to assist public sector workers' associations to register as trade unions, forcing BULGASA to send delegations to consult with unions in South Africa. The General Secretary of the Manual Workers Union rhetorically asked Minister of Labor and Home Affairs Moeng Pheto why the GOB continues to engage the BFTU when it no longer represents them, implying that the government prefers to have an ineffective body as the official representative of the labor movement.

13. BFTU's Acting General Secretary Patrick Chengeta later expressed to Embassies his dismay over this criticism. He explained that the Manual Workers Union and seven other unions were currently suspended from the Federation for failure to pay monthly dues for three consecutive months, in accordance with the BFTU constitution. He insisted that the BFTU was willing and able to provide assistance to associations to register as unions but claimed that none had sought its help. This inaction, he said, reflects a lackadaisical approach that is a major impediment to the labor movement. The Federation's primary problem, he said, is lack of resources. If members refuse to pay their dues, the organization cannot afford full-time professional staff, and therefore will not have the capacity to aggressively defend and promote the rights and interests of workers.

¶4. A subsequent conversation with Assistant Commissioner of Labor Ms. Sissy Seemule confirmed that the Government does work with the BFTU as the representative of labor in domestic tripartite structures and takes BFTU representatives with it to international labor events, such as the annual ILO conference in Geneva. If some unions were to establish a rival umbrella body, as some had suggested, Ms. Seemule would have to make a recommendation to the Commissioner of Labor on which body was the most representative of the labor movement. The Department of Labor would have to change its regulations, but not any laws, in order to replace the BFTU with another umbrella organization as the official representative of labor in tripartite structures.

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WORKERS CRITICIZE GOVERNMENT LABOR & ECONOMIC POLICIES  
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¶5. Condemnation of the GOB's labor and economic policies constituted the primary content of May Day speeches in Gaborone. The National Chairperson of the Manual Workers Union accused Minister of Local Government Margaret Nasha and Minister of Education Jacob Nkate of fomenting factionalism within his organization in order to weaken it (REF A). This resulted in the creation of a rival union, the Botswana Government Workers Union (BGWU), which will compete to represent the same employees and which, he suggested, will provide the Government with an opportunity to play workers off against each other. He similarly accused Debswana of interfering in the Botswana Mine Workers Union in an effort to install pliable persons in the union's leadership (see para 10). According to Eric Ditau, of the

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Botswana Federation of Secondary School Teachers, the Department of Labor had fasttracked the registration of the BGWU but had unnecessarily prolonged the registration of other associations as unions, implying preferential treatment for organizations seen to be allied with the government.

¶6. Union representatives also criticized economic policies, including privatization and devaluation of the Pula. Simon Kgaoganang, Secretary General of the Manual Workers Union, denounced privatization as a threat to job security and the strength of unions in Botswana. The June 2005 devaluation of the Pula had depressed the real incomes of workers, he said, and triggered escalating inflation. The government's decision to adjust the salaries of civil servants by 8% across the board only reinforced the extreme income inequality in the country.

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GOVERNMENT WARNS UNIONS TO STAY OUT OF POLITICS  
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¶7. Minister of Labor and Home Affairs Moeng Pheto countered the unionists' complaints observing that the government has recently ratified and implemented ILO conventions to respect the rights of workers and abides by the principles of tripartism. Pheto complained that unions have failed to educate their members about labor laws, resulting in confusion and failure to fully take advantage of their rights. Despite clear ILO principles enshrining the right of unions to participate in politics, Minister Pheto advised unionists against electing representatives who have political motives. Speaking at a May Day event in Mahalapye, Minister of Foreign Affairs Mompoti Merafhe put his admonition in stark terms. He reportedly stated that the government suspected trade unions of supporting the opposition parties and advised workers to "remove politics from trade unions and we will cooperate with you," implying that the government might not cooperate with the unions otherwise.

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GOVERNMENT WORKERS SLOW TO REGISTER AS UNIONS  
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¶18. Assistant Commissioner of Labor Seemule insisted to Emboffs that the Department of Labor works with unions consistently and fairly. Contrary to unionists' accusations of unreasonable delays, Seemule stated that most public workers associations have not even begun the process of registering as trade unions. Barring any serious objections, BOFESETE will become the first association to successfully register as a union by the end of May. The Botswana Teachers Union, she said, is the only other association that has made significant progress toward registering as a union.

¶19. The Botswana Civil Service Association (BCSA) Deputy General Secretary says his association, potentially one of the largest and wealthiest unions in Botswana, is on course to register as a union. Currently, the BCSA is working on union by-laws, which must be submitted with a constitution when the Association applies to register as a union. They expect to complete the registration process by the end of August.

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COURT SETTLES BOTSWANA MINE WORKERS UNION DISPUTE  
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¶10. The High Court has finally delivered judgment between two factions of the Botswana Mine Workers Union, settling a dispute that stretches back to 2004 (Ref A). Soon after the election of a new National Executive Committee (NEC) in September of that year, the old NEC refused to hand over their office. It called the new NEC illegitimate because some of its members had been fired by Debswana following an August 2004 strike (Ref B) despite the fact that legislative amendments had eliminated the requirement that union officers work in full-time in the relevant industry. Since that date, the old NEC also kept all subscriptions from the new NEC making it impossible for it to operate without funds. BMWU members accused the management of propping up the old NEC and using it to weaken the union.

¶11. In the High Court judgment, Justice Gaongalelwe ordered the old NEC to hand over all properties and assets as well

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as documentation to the new NEC. The old NEC was instructed to provide full accountability to the new Committee of how subscriptions received since July 2005 were used. The court also ordered the old NEC to pay all legal costs in the dispute. If they fail to abide by the terms of the judgment, members of the old NEC are liable to imprisonment for six months. The old NEC failed at the High Court on May 2 in their application for a stay of execution of the court order while they appealed the judgment.

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COMMENT  
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¶12. The labor movement in Botswana remains weak after decades of excessive restrictions by the government. Due in part to the absence of a history of struggle for independence and in part to the ruling Botswana Democratic Party's declared distrust of unions, Botswana workers are not as well organized or militant as their neighbors. Given that the government is by far the largest employer in Botswana, however, the opening of union membership to public employees could significantly empower Botswana's labor movement through an infusion of well educated, well paid, and articulate civil servants. Mission has encouraged the Solidarity Center to increase its assistance to Botswana's labor unions during this critical transition period and will

continue to use its own resources to promote respect for  
workers rights in Botswana.  
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